

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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THU TRAN, Individually and On Behalf of All:	:	Civil Action No. 1:07-cv-03754-RMB
Others Similarly Situated,	:	
	:	<u>CLASS ACTION</u>
Plaintiff,	:	
vs.	:	
NETLIST, INC., et al.,	:	
	:	
Defendants.	:	
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RAGAA BENJAMIN, Individually and On	:	Civil Action No. 1:07-cv-05518-RMB
Behalf of All Others Similarly Situated,	:	
	:	<u>CLASS ACTION</u>
Plaintiff,	:	
vs.	:	
NETLIST, INC., et al.,	:	
	:	
Defendants.	:	
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NOTICE OF NON-OPPOSITION TO IRON WORKERS LOCAL NO. 25
PENSION FUND'S MOTION FOR CONSOLIDATION, APPOINTMENT
AS LEAD PLAINTIFF AND FOR APPROVAL OF SELECTION OF LEAD COUNSEL

On July 27, 2007, within 60 days of the publication of the requisite notice on May 28, 2007, Institutional Investor Iron Workers Local No. 25 Pension Fund (“Iron Workers”), timely filed a Motion for Consolidation, Appointment as Lead Plaintiff and for Approval of Selection of Lead Counsel. One other motion was filed by investors Thu Tran, Darrell Magnussen and Paul Stroub (the “Tran Group”).

On August 6, 2007, the Tran Group withdrew its motion for appointment as lead plaintiff, citing Iron Workers’ larger financial interest and adequacy to represent the Class. Iron Workers respectfully submits this notice to inform the Court that its motion is now unopposed.

As set forth in its prior submission, Iron Workers: (i) timely filed its motion; (ii) has the largest financial interest in the relief sought by the class (having suffered losses of \$480,121.23); (iii) satisfies Federal Rule of Civil Procedure 23; and (iv) typifies the type of investor encouraged by Congress to serve as lead plaintiff in cases such as this. *See* 15 U.S.C. §78u-4(a)(3)(B); *see also Ferrari v. Impath, Inc.*, No. 03 Civ. 5667, 2004 U.S. Dist. LEXIS 13898, *10 (S.D.N.Y. July 15, 2004) (holding that the purpose behind the PSLRA is best achieved by encouraging institutional investors to serve as lead plaintiffs).

Accordingly, pursuant to the Private Securities Litigation Reform Act of 1995, Iron Workers is the “most adequate plaintiff” to lead this litigation on behalf of the class and its selection of lead counsel should be approved. *See* 15 U.S.C. §78u-4(a)(3)(B)(iii); *see also Fitzgerald v. Citigroup Inc.*, 03 Civ. 4305 (DAB), 2004 U.S. Dist. LEXIS 5066, at *12-*13 (S.D.N.Y. March 26, 2004) (granting unopposed lead plaintiff motion); *Martingano v. Am. Int’l Group, Inc.*, 06-CV-1625 (JG) (JMA), 2006 U.S. Dist. LEXIS 47855, at *10-*11 (E.D.N.Y. July 11, 2006) (same); *In re Symbol Techs. Securities Litigation*, 05-CV-3923 (DRH)(JO), 2006 U.S. Dist. LEXIS 24776 (E.D.N.Y. April 26, 2006) (same).

DATED: August 15, 2007

LERACH COUGHLIN STOIA GELLER
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/s/ David A. Rosenfeld
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[Proposed] Lead Counsel for Plaintiff

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CERTIFICATE OF SERVICE

I, David A. Rosenfeld, hereby certify that on August 15, 2007, I caused a true and correct copy of the attached:

Notice of Non-Opposition to Iron Workers Local No. 25 Pension Fund's
Motion for Consolidation, Appointment as Lead Plaintiff and for Approval
of Selection of Lead Counsel

to be served: (i) electronically on all counsel registered for electronic service for this case; and (ii) by first-class mail to all additional counsel on the attached service list.

/s/ David A. Rosenfeld

DAVID A. ROSENFELD

NETLIST (NY)

Service List - 7/25/2007 (07-0131N)

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